

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

KELSEY PENHALE,

No. 3:18-cv-02024-SB

Plaintiff,

ORDER

v.

ALLSTREAM BUSINESS US, LLC, and  
JOHN DOES 1-10,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Beckerman issued a Findings and Recommendation [40] on June 21, 2019 in which she recommends the Court grant Plaintiff's motion to remand, deny as moot Defendant's motions to dismiss, and remand this case to the Multnomah County Circuit Court. Defendant filed timely objections to the Findings and Recommendation. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the

Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court has carefully considered Defendant's objections and concludes that the objections do not provide a basis to modify the recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation.

#### CONCLUSION

The Court adopts Magistrate Judge Beckerman's Findings and Recommendation [40]. Plaintiff's motion to remand is GRANTED, Defendant's motion to dismiss is DENIED AS MOOT, and this case is REMANDED to the Multnomah County Circuit Court.

IT IS SO ORDERED.

DATED this 25 day of Nov, 2019.

  
MARCO A. HERNÁNDEZ  
United States District Judge